

REMARKS

Claims 1, 3, 5, 6 and 8 have been canceled, claims 9 and 12 have been amended to be in method format as was originally intended as are the claims which depend therefrom as originally filed. Claims 2, 4, 7 and 9 to 16 are now active in this application.

The objection to claims 10, 11 and 13 to 16 is now overcome by the amendments to claims 9 and 12.

Claims 1, 4, 5, 8 and 9 were rejected under 35 U.S.C. 102(e) as being anticipated by Vathulya et al. The rejection is respectfully traversed as to claim 9, the other so rejected claims having been canceled.

With reference to claim 9, this claim requires, among other features, the steps of providing a first stack of metal lines, each line of said first stack of lines separated from an adjacent line of said first stack by a second dielectric and providing a second stack of metal lines, each line of said second stack of lines separated from an adjacent line of said second stack by said second dielectric and laterally separated from said first stack by a first dielectric material having a higher dielectric constant than said first dielectric. No such steps are taught or suggested by Vathulya et al. either alone or in the combination as claimed.

Claim 9 further requires the step of providing first conducting vias connecting wherein two or more of said metal lines of said first stack by the first conducting vias and providing second conducting vias vertically connecting two or more of said metal lines of said second stack by the second conducting vias. No such steps are taught or suggested by Vathulya et al. in the combination as claimed.

Claims 3, 6, 10 and 12 to 16 were rejected under 35 U.S.C. 101 on the ground of double patenting. The rejection is respectfully traversed as to claims 10 and 12 to 16. The claims have been amended to be in method form and are therefore for a different statutory class of invention. In addition, these claims have been amended to cover fabrication steps not taught by the corresponding claims in Patent No. 6,635,916.

Claims 1, 2, 4, 5, 7 to 9 and 11 were rejected on the ground of obviousness-type double patenting. The rejection is respectfully traversed as to claims 9 to 11 for reasons stated in the above paragraph. In addition, as to claims 2, 4 and 7, a Terminal Disclaimer is attached hereto to avoid the rejection of these claims.

In view of the above remarks, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,



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